

LIFE IS GOOD, INC. V. LG ELECTRONICS U.S.A., INC  
Civil Action No. 04 11290 WGY

DECLARATION OF TIMOTHY LEMPER IN SUPPORT OF DEFENDANTS' MOTION IN LIMINE  
TO EXCLUDE ARGUMENT AND EVIDENCE ON DEFENDANTS' INTENT

# Exhibit 2

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LIFE IS GOOD, INC., )  
)  
Plaintiff, ) No. 04-11290-REK  
)  
vs. )  
)  
LG ELECTRONICS U.S.A., INC., )  
and LG INFOCOMM U.S.A., INC., )  
)  
Defendants. )  
\_\_\_\_\_ )

ATTORNEYS' EYES ONLY - HIGHLY CONFIDENTIAL  
VIDEOTAPED DEPOSITION OF JASON LEE  
Rule 30(b)(6)  
San Diego, California  
Tuesday, November 29, 2005

ORIGINAL

Reported by:  
ANELA SHERADIN, RPR  
CSR NO. 9128  
JOB NO. 5041

1 JASON LEE,  
2 having been first duly sworn, was examined and testified  
3 as follows:  
4

5 EXAMINATION

6 BY MR. PIERCE:

7 Q Good morning, Mr. Lee. State your name,  
8 please.

9 A Jason Lee.

10 Q Okay. And are you employed?

11 A Yes.

12 Q Who is your employer?

13 A LG MobileComm.

14 Q LG MobileComm. Can you give me the full  
15 technical name of the company?

16 A LG Electronics MobileComm U.S.A., Inc.

17 Q Okay. Now, is LG -- if I -- if I just call it  
18 "MobileComm" today, you'll understand me to be talking  
19 about LG Electronics MobileComm U.S.A., Inc.? Do you  
20 understand that?

21 A Yes.

22 Q Okay. Is MobileComm a subsidiary of another  
23 company?

24 A Of another company?

25 Q Yes.

1 A LG -- LG Electronics.

2 Q Okay. And that's a Korean company?

3 A That's Korean company.

4 Q Okay. So LG Electronics MobileComm U.S.A. is  
5 owned by LG MobileComm Electronics; is that true?

6 A Owned by LG Electronics.

7 Q Okay. And LG Electronics U.S.A. is a separate  
8 corporation from MobileComm; is that correct?

9 A LG Electronics U.S.A.?

10 Q Yes.

11 A Yes, it's separate company.

12 Q Separate company.

13 Okay. And is it fair to say that MobileComm's  
14 main product lines are wireless cell phones and similar  
15 products?

16 A Cell phones.

17 Q Cell phone?

18 A Mobile phones.

19 Q Okay. And MobileComm does not sell the flat  
20 screen TV's, or refrigerators, or washers and dryers; is  
21 that fair to say?

22 A That's fair to say.

23 Q Okay. Why don't we mark, as the first exhibit,  
24 this Notice of Deposition. And I should say the 60th  
25 exhibit.

1 A I'm sorry?

2 Q When did you come to that understanding that  
3 it's possessive?

4 A From the time when we started using it.

5 Q And who told you it was possessive?

6 A I think it was --

7 MR. SOMMERS: I'll object to foundation.

8 BY MR. PIERCE:

9 Q All right. How did you learn it was  
10 possessive?

11 A Again, from the time we started using it.

12 Q How? How did you learn that?

13 A Because that's -- that's how it meant.

14 Q How do you know? Who told you that?

15 A Well, the tagline was done by, you know,  
16 headquarters and we --

17 Q By whom?

18 A By headquarters in Korea.

19 Q Helpers?

20 A Headquarters.

21 MR. SOMMERS: HQ.

22 MR. PIERCE: Headquarters. Okay.

23 Q So the headquarters came up with that?

24 A Yes.

25 Q And they directed your company to use that,

1 correct?

2 A Yes.

3 Q But what -- how did you come to the conclusion  
4 that that's possessive rather than a contraction?

5 A That I don't know.

6 Q Okay. Let's look at Exhibit 40, please.

7 MR. PIERCE: Do you have -- you have the  
8 originals, Mark.

9 MR. SOMMERS: Okay.

10 Q Have you seen this document before, sir?

11 A Yes.

12 Q What are you looking at? Is that 40? Let me  
13 see that.

14 THE WITNESS: That's a different one.

15 MR. SOMMERS: Oh, sorry.

16 MR. PIERCE: We'll get to that, though. It's  
17 the sweepstakes. That's it.

18 Q Have you seen this document before, sir?

19 A No, I haven't.

20 Q Okay. Take a look at the second paragraph of  
21 the text. It says, "This is no fantasy. Life's Good  
22 when you enter for a chance to win a trip to the  
23 championship game in Detroit." Is that a possessive use  
24 or a contraction?

25 A (Inaudible response.)

1 defendants in connection with their sale and/or  
2 marketing of products of the marks or words 'Life's  
3 Good,' 'Life is Good' and/or the 'LG Logo'." And it's  
4 your testimony that you didn't do any investigation as  
5 to -- well, let me ask you this: Did you do any  
6 investigation as to who selected the mark?

7 MR. SOMMERS: Let me just -- for purposes of  
8 the record, I think it -- the question -- it would only  
9 be fair to inform the witness of what the words  
10 "defendant" means --

11 MR. PIERCE: Okay.

12 MR. SOMMERS: -- in Topic 4.

13 MR. PIERCE: That's fine. That's fine.

14 Q Did you do any investigation to find out who  
15 selected the trademark -- I'm sorry, the words "Life's  
16 Good" as a tagline?

17 A Well, I learned that there was -- that was  
18 created by headquarters, but I don't know -- I don't  
19 know who that was.

20 Q How did you -- how did you learn that?

21 A Because, again, that was from -- from brand  
22 marketing group and -- and LGE west, and they set the --

23 Q Okay. But in preparation for this deposition,  
24 did you do anything to learn further as to how the mark  
25 was selected?

1 A How the mark was selected?

2 Q Yeah.

3 A The process. No, I didn't.

4 Q Why not? You knew this was one of the topics,  
5 right?

6 MR. SOMMERS: We'll object to that. The  
7 Category 4 doesn't say broad -- broad without parameters  
8 of any party. It refers specifically to the defendants  
9 in this case. Your question is outside the scope of  
10 this Notice, and to continue this line of questioning as  
11 though the witness had not adequately prepared himself,  
12 is unfair.

13 MR. PIERCE: I completely disagree. And the  
14 idea that you guys are going to try to hide behind the  
15 Korean parent and say, well, they just told us what to  
16 do, that's like -- you know, we were just following  
17 orders, I think he has an obligation to investigate this  
18 information that's available to the company. Obviously,  
19 if the information is available to headquarters, as he  
20 calls it, it's available to LG MobileComm.

21 MR. SOMMERS: We'll disagree with that  
22 characterization and simply say that it is clear who the  
23 defendants in this case are and the obligations of  
24 preparing this witness to testify on those topics. You  
25 had the opportunity to name the Korean parent as a



1 defendant. You elected not to do so, so chastising the  
2 defendant's preparation of his deposition is  
3 inappropriate.

4 MR. PIERCE: I disagree.

5 Q Let's look at Category No. 5. One of the  
6 topics is, "Any trademark or service mark searches  
7 undertaken by or on behalf of the defendants concerning  
8 the 'Life's Good,' 'Life is Good' and/or the" Life --  
9 "'LG Logo' marks." Did you make any inquiry into  
10 anybody whether any trademark searches were undertaken?

11 A I didn't ask, but I assumed that was -- that  
12 was taken by headquarters.

13 Q What's the basis for that assumption?

14 A Because that's -- that's a policy; policies  
15 that headquarters decides to use or create the tagline  
16 for the global platform for the global advertising and  
17 then -- well, I assumed that if they created and they  
18 told us to use it, that was done by headquarters.

19 Q Okay. But in preparation for this deposition,  
20 did you make inquiry to anybody as to whether a  
21 trademark search was actually done?

22 A I didn't because I don't know who I talked to.

23 Q Okay. Are there attorneys in Korea at  
24 headquarters whose focus is trademarks?

25 A There might be.

1 Q You don't agree with that statement?

2 A Well, again, the part of using Life is Good --

3 Q Well, I removed that from the sentence. Okay?

4 Please -- actually, if you can just put that down and  
5 listen to me. Do you believe that LG adopted and began  
6 using the LG logo -- strike that.

7 Do you believe LG adopted and began using the  
8 corporate tagline, Life is -- Life's Good, in good faith  
9 for reasons completely unrelated to Life is Good, Inc.,  
10 and its use of Life is Good or the Jake symbol?

11 MR. SOMMERS: We'll object to form. And my  
12 trouble with the question the way you posed it is who  
13 are you referring to as LG, the entirety of the company?  
14 The defendant, LG MobileComm?

15 MR. PIERCE: All right.

16 Q Well, let's ask this: Did LG MobileComm adopt,  
17 began using, the corporate tagline, Life's Good, in good  
18 faith for reasons completely unrelated to plaintiff and  
19 its use of Life is Good?

20 A Okay. LG MobileComm didn't adopt it. We -- LG  
21 MobileComm followed the headquarter's direction. And  
22 the rest of the statements you just made, I agree, but  
23 I'm not -- I don't know about Jake symbol.

24 Q Okay. But you don't know whether headquarters  
25 adopted it for reasons unrelated to plaintiff, do you?

1 A Can you repeat the question, please?

2 Q Yeah. Do you know whether headquarters -- LG  
3 headquarters adopted the Life's Good tagline for reasons  
4 unrelated to the plaintiff Life is Good?

5 MR. SOMMERS: I'll object to form.

6 THE WITNESS: For reasons unrelated --  
7 unrelated to. Well, I guess they didn't -- they didn't  
8 know about Life is Good company.

9 BY MR. PIERCE:

10 Q You don't know whether they did or didn't?

11 A Well, I don't know -- I don't know the process  
12 they took.

13 MR. PIERCE: Okay. Why don't -- why don't we  
14 break now because I want to get this organized so I can  
15 do it as quickly as I can.

16 MR. SOMMERS: That's fine.

17 MR. PIERCE: Is that -- is that good for  
18 everybody? And you think we'll --

19 THE VIDEOGRAPHER: And we're off the record at  
20 12:05 p.m.

21 (Lunch recess 12:05 p.m. - 12:42 p.m.)

22 THE VIDEOGRAPHER: And we're back on the record  
23 at 12:42 p.m.

24 BY MR. PIERCE:

25 Q Mr. Lee, your counsel informs me that you